

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74837

Allen W Welk  
7156 Olivia Road  
Baltimore MD 21220

7333 Geise Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 28, 2010, for a Hearing on a citation for violations of the Baltimore County Building Code (BCBC) 49-07 section 115; International Residential Code (IRC) 2006, failure to obtain permit(s) and raze unsafe structure which has a collapsed roof and cannot be occupied, on residential property zoned DR 5.5 known as 733 Geise Avenue, 21219.

On April 26, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Claude Profili issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 30, 2010 for violation of Baltimore County Building Code and Zoning Regulations, structure roof has collapsed, the building is unsafe, cannot be occupied and must be razed; all required permit(s) must be obtained; remove unlicensed and/or inoperable motor vehicles. This Citation was issued on April 26, 2010.

B. Notes in the file show that mail properly sent was returned, and copies of the Citation were sent to additional addresses found in various court and post office records. Photographs show the County's notices were also posted on the property, which alone would be sufficient notice. See BCC Sections 3-6-203, 3-6-205. The property was also placarded with the County Building Engineer's condemnation placard, stating "DANGER This Building Is Unsafe, Its Use or Occupancy Has Been Prohibited by the Building Engineer."

C. Photographs in the file show a one-story house with windows and siding. The house is vacant. Because it has been vacant for more than six months, this property is classified as an "investment property" under County law. BCC Section 35-2-401. Photographs in the file show that the roof has visibly collapsed in places, and the walls are bowing inward and outward with gaps separating at the corners. The house is visibly in a state of imminent collapse. The evidence shows that this property has become dangerous, with the roof caving in and the walls bowing, and shows that the property does not meet building code requirements. This violates Baltimore County's Livability Code and violates the building code. BCC Article 35, Title 5 (Livability Code); County Building Code Section 115 (Unsafe Structures and Equipment). Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondent has failed to maintain this property and has permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

D. Building Inspector Claude Profili's notes in the file state that in his opinion the house is dangerous and must be razed for safety reasons. His notes also state that the cost of repairs would be unreasonable because the cost would exceed 100 percent of the value of the structure; the Building Code authorizes the County to order such a structure to be razed without the owner having the option to repair it. Building Code Section 115.6 (Unreasonable Repairs).

E. The Baltimore County Building Code provides authority for the County to require Respondents to raze or repair this structure. See Building Code, IBC Section 115.0, Unsafe Structures and Equipment. The March 30, 2010 Correction Notice constitutes the notice provided for by Section 115.3, which states that if an unsafe condition is found in a building or structure, the building official

shall serve written notice specifying required repairs or requiring the unsafe building to be demolished within a stipulated time. Respondents failed to respond to this notice and failed to comply with the order. Under Section 115.4, Failure to Comply, the County instituted this code enforcement proceeding under BCC Article 3, Title 6, to require Respondents to correct the violation or remove the structure. See Section 113.3 (Prosecution of Violation). Respondents failed to appear for this Hearing, and have failed to correct the violations. The County has the authority and the responsibility to require Respondents to repair or raze the building, or to remove or make safe the premises at Respondents' expense. BCC 35-2-203. This Citation will be enforced.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of removing the building and making the premises safe and compliant with County Code requirements, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer